

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

v.

SANDWICH ISLES
COMMUNICATIONS, INC., et al.

Defendants.

CIV. NO. 18-00145 JMS-RT

ORDER DENYING DEFENDANT
WAIMANA ENTERPRISES, INC.'S
MOTION FOR
RECONSIDERATION, ECF NO. 568

**ORDER DENYING DEFENDANT WAIMANA ENTERPRISES, INC.'S
MOTION FOR RECONSIDERATION, ECF NO. 568**

On July 11, 2024, Defendant Waimana Enterprises, Inc., filed a “Motion for Reconsideration of the Order (1) Granting the United States of America’s Motion for Order Approving Confirmation of Execution Sale; and (2) Confirming Execution of Sale Entered on July 2, 2024 [ECF No. 566], and Order Explaining Reasons for Overruling Objections to Confirmation of Execution Sale [ECF No. 567]” (“Motion for Reconsideration”). *See* ECF No. 568.

Plaintiff United States filed an Opposition to the Motion for Reconsideration on July 24, 2024. *See* ECF No. 573. Interested Party (and successful bidder) Hawaiian Telecom, Inc., also filed an Opposition on July 25, 2024. *See* ECF No. 574.

After review of the Motion for Reconsideration and the Oppositions, the court DENIES the Motion for Reconsideration. The court agrees with Plaintiff and Hawaiian Telecom that Waimana has failed to meet the strict standards for reconsideration under Local Rule 60.1 (or any other rule). *See, e.g., Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003); *Kona Enters., Inc. v. Est. of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). There has been no intervening change in controlling law, no discovery of new evidence, nor any manifest error of law or fact. Waimana’s Motion for Reconsideration improperly repeats arguments already made. The Hawaiian Telecom bid was consistent with the terms of the Procedures Order, especially considering the waivers and concessions discussed at the July 2, 2024 hearing. The bid does not violate the Federal Communications Act, the Rural Electrification Act, or the Hawaiian Homes Commission Act.

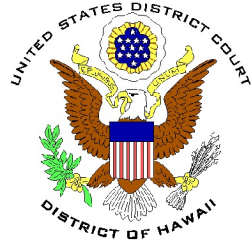
And the court agrees with Hawaiian Telecom’s characterization of the Motion for Reconsideration. It “is yet another attempt at serial litigation by the Hee enterprises.” ECF No. 574 at PageID.10027. “Whatever the specifics of the serial litigation,” the Motion for Reconsideration is a failed attempt “to blow onto the dying embers” of this “maelstrom of litigation.” *Id.*; ECF No. 544-5 at PageID.9397 n.4.

The Motion for Reconsideration is DENIED. Accordingly, the United States is directed to proceed with its efforts to submit the necessary documents to

close this case. *See* ECF No. 571. If possible, it should do so by August 5, 2024.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, July 29, 2024.



/s/ J. Michael Seabright
J. Michael Seabright
United States District Judge

United States of America v. Sandwich Isles Communications, Inc., et al., Civ. No. 18-00145
JMS-RT, Order Denying Defendant Waimana Enterprises, Inc.'s Motion for Reconsideration,
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